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November 16, 2012

Mr. Donald S. Clark
Secretary, Federal Trade Commission
Room H-113 (Annex B)
600 Pennsylvania Avenue, N.W.
Washington, DC 20580

CARE LABELING RULE, 16 CFR PART 423, PROJECT NO. R511915

Dear Secretary Clark:

Thank you for the opportunity to provide comments on the Federal Trade Commission's (FTC) Care Labeling Rule, 16 CFR Part 423. The purpose of this letter is to express the continued support of the California Department of Toxic Substances Control (DTSC) for the rule, and to again request FTC's consideration of requiring manufacturers and importers of garments to use a professional wet cleaning label under the Care Labeling of Textile Wearing Apparel and Certain Piece Goods under the Code of Federal Regulations, 16 C.F.R. Part 423. This letter provides additional information in support of DTSC's previous comments to the FTC, which further substantiates DTSC's request that FTC require wet cleaning instructions be included for products that can be wet cleaned, rather than simply permitting manufacturers to provide instructions.

In your September 20, 2012 Notice of Proposed Rulemaking, you acknowledged receipt of DTSC's and others' comments related to the potential for public health and environmental benefits through the use of professional wet cleaning as contrasted with the potential for harm associated with the use of perchloroethylene as a dry cleaning solvent. However, it was noted that the information provided did not offer evidence in support of these benefits or costs.

As stated in DTSC's previous comment letter, dated September 6, 2011, many California communities are impacted by significant releases of perchloroethylene from dry cleaners. The impacts to soil and groundwater, including drinking water sources, create substantial costs for those communities to clean up perchloroethylene contamination from dry cleaners. Based on its review of statewide regulatory files,

DTSC offers the following information as evidence of costs incurred by California's public agencies and taxpayers:

- There are an estimated 6400 sites in California contaminated with perchloroethylene spills and releases from dry cleaning operations;
- All 6400 sites have soil contamination;
- It is estimated that half of these sites also have groundwater contamination, which is much more complex and costly to remediate, and many of which impact or threaten to impact public drinking water supplies;
- Based on an evaluation of actual costs incurred at sites where remediation has already occurred, the costs to clean up each of these sites is estimated to be:
 - Sites with soil contamination only: Up to \$1 million per site;
 - Sites with both soil and groundwater contamination: Between \$1 million and \$5 million per site;
- Costs for sites with extensive groundwater contamination that have resulted from multiple releases can well exceed the above estimates. For example, DTSC is overseeing remediation at one large site where costs are estimated to be over \$6 million, and another large multi-party site where costs are estimated to be over \$10 million;
- Total costs for all release sites in California alone may be more than \$3 billion;
- These estimations assume that no new release sites are being created through the continued use of perchloroethylene. Although perchloroethylene is being phased out in California, dry cleaners still use it and have the potential to cause routine or catastrophic releases.

The response costs for these sites, in most instances, far exceed the capability of the dry cleaning operators to pay. The costs also exceed the insurance coverage limits that these dry cleaners carry. California has no cleanup fund that is accessible by dry cleaners. Costs are often borne by local water purveyors that remove perchloroethylene from the drinking water they deliver and passed on to ratepayers. Costs are also paid from funds available to DTSC and the regional water quality control boards for investigation and cleanup of "orphan sites" – sites for which there are no available viable responsible parties.

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DTSC and local government programs have been working to encourage the implementation of alternative products and processes to perchloroethylene. Wet cleaning is an available option in most areas of California. As of February, 2012, there are 300 known garment care operators offering professional wet cleaning in the state; of these, 203 perform only wet cleaning.

DTSC strongly believes that continued public education as well as outreach about garment care is needed. **Requiring** a professional wet cleaning label will ensure that consumers are aware that it is an alternative, and propel the market toward safer alternative processes and products and away from perchloroethylene use. As shown above, the costs of the continued use of perchloroethylene can be substantial, and the costs of a required label are insignificant in comparison. DTSC encourages the Federal Trade Commission (FTC) to reconsider placing a labeling requirement in its rule rather than merely permitting manufacturers to offer labeling at their discretion.

Thank you for this opportunity to offer additional comments. Should you have any questions, please feel free to contact me at (916) 327-1186, or Rick.Brausch@dtsc.ca.gov.

Sincerely,

Original Signed By:

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Deputy Director
Office of Legislation and Policy Development

cc: Ms. Deborah O. Raphael,
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